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March 10, 2006

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: MM Docket No. 00-167

Dear Chairman Martin:

I am writing to you with regard to the FCC's rules for educational programming for children. As you know, NAB has asked the Commission to reconsider the rules the agency adopted in 2004. Specifically, we expressed concern that extending the current three-hour children's programming processing guideline to each additional multicast stream aired by a broadcast station could stifle the development of new DTV channels, including channels that would serve the public's need for news and information but not be attractive to child audiences. In addition, we asked the Commission to consider whether changes to the definition of commercial matter and preemption policy were warranted.

Other parties filed petitions for reconsideration as well, and some challenged the new rules in court. At the end of last year, a group including representatives from public interest groups and the broadcast networks developed a settlement proposal for changes to the children's television rules that would assuage some of the concerns NAB addressed in its reconsideration petition. The parties involved in that settlement have now presented the Commission with an implementation plan. We understand that the Commission will soon seek comment on that plan. NAB intends to file formal comments supporting the settlement at the appropriate time.

The purpose of this letter is to urge the Commission to use the terms of the settlement as the framework for revised rules that the agency would incorporate in the request for comments. NAB believes that revised rules adhering to the terms of the settlement are likely to bring helpful certainty to broadcasters and avoid immediate litigation. Including specific revised rules in the Commission's request for comment will speed this process. Such a result will further the public interest at this time.

The Honorable Kevin J. Martin  
March 10, 2006  
Page 2

NAB continues to support the Commission's goal of promoting quality educational and informational children's programming, and we look forward to working with the Commission to harness the potential of digital television to better serve the needs of all audiences.

Sincerely,

A handwritten signature in black ink that reads "David K. Rehr". The signature is written in a cursive style with a large, stylized 'D' and 'R'.

David K. Rehr

cc: The Honorable Michael J. Copps, Commissioner  
The Honorable Jonathan S. Adelstein, Commissioner  
The Honorable Deborah Taylor Tate, Commissioner